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Paper No. 6

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In re Application No. 09/641,378
Reissue of Patent No. 6,053,883
Original Issue Date: April 25, 2000
Filing Date: August 18, 2000
Attorney Docket No. 074309.000014

OFFICE OF PETITIONS
DECISION ON
PETITION

This is a decision on the petition under 37 CFR 1.183, filed March 26, 2002 (certificate of mailing date of March 18, 2002), requesting waiver of the rules and requesting the application be accorded a filing date of August 18, 2000.

The petition under 1.183 is **dismissed**.

Facts:

On August 18, 2000, the application was deposited without drawings.

On January 18, 2002, the Office of Patent Legal Administration mailed a Notice to petitioner.

The Notice stated:

- (1) the application had not been accorded a filing date because drawings appeared to be absent and that if "drawings were not submitted with the reissue application when the reissue application was filed . . . applicant should consider filing a petition under 37 CFR 1.183,"
- (2) the reissue application seeks to enlarge the scope of the claims and therefore a declaration signed by the inventor or a petition under 37 CFR 1.47 must be filed,
- (3) the declaration fails to list the country of citizenship and residential address for the inventor and a declaration in compliance with 37 CFR 1.63 must be filed, and
- (4) "consent of the assignee is missing. . . . Furthermore, assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing."

Petitioner was given two months to supply the above 4 items.

Analysis:

Petitioner has failed to comply with (2), (3), and (4) listed above. The only response to the above Notice has been the instant petition seeking waiver of 37 CFR 1.183, entry of drawings, and a filing date of August 18, 2000.

The merits of the 37 CFR 1.183 petition will not be considered until petitioner complies with (2), (3), and (4) listed above.

Any request for reconsideration should include proof that items (2), (3), and (4) were filed within 2 months. In the alternative, petitioner should provide an explanation for the delay in the submission of the missing items.

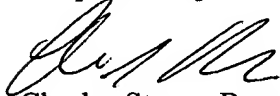
Further correspondence with respect to this matter should be addressed as follows:

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